

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:10 CR 52**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>BERNARD EUGENE CARSON, JR.,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

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THIS CAUSE coming on to before the undersigned pursuant to a motion filed by counsel for defendant entitled "Motion to Waive Appearance of Counsel" (#18). In the motion, counsel for defendant states that he is leaving on a trip out of the United States on November 9, 2010 and requests that a bond hearing that is being scheduled for defendant on November 12, 2010 be conducted in counsel's absence. The right to effective assistance of counsel and to be represented by one's attorney is a right that is essential to the proper administration of justice and cannot be waived by an attorney for a represented client. As a result, the undersigned cannot allow this motion.

Further in the motion and although not stated in the caption, counsel for defendant requests that any applicable plea deadlines be extended up to and including December 15, 2010. That portion of the motion will also be denied but without prejudice to be refiled by counsel for defendant and considered by the District court.

## ORDER

**IT IS, THEREFORE, ORDERED** that the “Motion to Waive Appearance of Counsel is hereby **DENIED** and the request contained in the motion to extend applicable plea deadlines is also **DENIED** without prejudice.

Signed: November 16, 2010

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

